

SENATE BILL NO. 340

INTRODUCED BY K. GILLAN

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE GOVERNOR TO REQUEST THE WITHDRAWAL OF A RULE PROPOSED BY AN ADMINISTRATIVE AGENCY AND REQUIRING THAT, UPON A REQUEST FROM THE GOVERNOR, THE AGENCY THAT PROPOSED THE RULE WITHDRAW THE PROPOSED RULE FROM THE RULEMAKING PROCESS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. **Section 1. Withdrawal of proposed rule at governor's request.** (1) Before an agency files a notice with the secretary of state to adopt a rule proposed pursuant to this part, the governor may request the withdrawal of the proposed rule. At the governor's request, an agency that has proposed a rule may not, except as provided in this section, adopt the proposed rule and shall withdraw the proposed rule from the rulemaking process by publishing a notice of withdrawal of the proposed rule in the register.

(2) An agency that withdraws a proposed rule pursuant to subsection (1) may not, for a period of 1 year, again propose a rule substantially the same as the proposed rule that was withdrawn.

(3) This section does not apply to a rule proposed pursuant to 2-4-303 or 2-4-315 or to a rule proposed by the lieutenant governor, attorney general, secretary of state, superintendent of public instruction, or state auditor.

NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 2, chapter 4, part 3, and the provisions of Title 2, chapter 4, part 3, apply to [section 1].

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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